

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America)

v.)

Rafael Vega-Rodriguez)

Case No. 20-

334-m

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 2, 2020 in the county of Berks in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

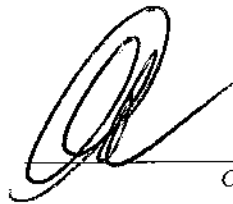
18 U.S.C. §§ 1114, 111(a) and (b),
 922(g), 924(c)

Offense Description

Kills or attempts to kill an officer or employee of the United States. Forcibly
 assault, resist, oppose, impedes, intimidate, or interfere with person on official
 duties, uses or carries a firearm.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

☒ Continued on the attached sheet.


Complainant's signature

SA Christopher M. Duncanson, FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: 03/02/2020


Judge's signature

City and state: Allentown, PA

The Hon. Henry S. Perkin, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Christopher M. Duncanson, being duly sworn and state as follows:

INTRODUCTION

1. I am a Special Agent of the Federal Bureau of Investigation (FBI), United States Department of Justice. I have been employed as a Special Agent of the FBI since September, 2004. I am currently assigned to the Philadelphia Division, Allentown Resident Agency, working cases involving violations of federal law. While employed by the FBI, I have investigated various federal criminal violations including violent incident crimes. I have gained experience through training and everyday work related to conducting these types of investigations. As a federal agent, I am authorized to investigate violations of laws of the United States and am a “federal law enforcement officer” within the meaning of Fed. R. Crim. P. 41(a)(2)(C).

2. This affidavit is being made in support of an application for a criminal complaint and arrest warrant charging the defendant RAFAEL VEGA-RODRIGUEZ (“Vega-Rodriguez”) with violations of Title 18 U.S.C. §§ 1114, 111(a) and (b), 922 (g), and 924(c).

3. The statements in this affidavit are based in part on my investigation of this matter and on information provided by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of securing a criminal complaint and arrest warrant, I have not included each and every fact known to me concerning this investigation. I have set forth only those facts that I believe are necessary to establish probable cause to believe

that violations of 18 U.S.C. §§ 1114, 111 (a) and b, 922(g), and 924(c) have been committed, by the defendant Vega-Rodriguez.

APPLICABLE STATUTES

4. Title 18 United States Code Section 1114 makes it a crime to attempt to kill any officer or employee of the United States while such officer or employee is engaged in the performance of his official duties

5. Title 18, United States Code, Sections 111 (a) and (b) makes it a crime to forcibly assault, resist, oppose, impede, intimidate, or interfere with any person designated in 18 U.S.C. § 1114 while engaged in or on account of the performance of official duties.

6. Title 18, United States Code, Section 922 (g) makes it a crime for any person who has been convicted of a felony offense to possess a firearm.

7. Title 18, United States Code, Section 924 (c) makes it a crime for any person, who, during and in relation to any crime of violence for which the person may be prosecuted in a court of the United States, uses or carries a firearm.

BACKGROUND OF THE INVESTIGATION AND PROBABLE CAUSE

8. On March 1, 2020, at approximately 6:00 pm, FBI SAs were conducting surveillance in the area Greenwich and Gordon Streets, Reading, PA. The agents were investigating a series of federal and state crimes believed to have been committed by Vega-Rodriguez.

9. On March 1, at approximately 11:45 pm, an FBI SA saw two individuals walking in the area of Schuylkill and Greenwich Avenues towards Gordon Street, Reading, PA.

The FBI SA recognized one of the two individuals as Vega-Rodriguez. The FBI SA notified other FBI SAs participating in the surveillance of the location of Vega-Rodriguez and the other individual ("Person #2). At approximately the same time, another FBI SA participating in the surveillance also identified Vega-Rodriguez as one of the two individuals walking on Schuylkill Avenue towards Gordon Street.

10. At this time, two FBI SAs approached Vega-Rodriguez and Person #2 and called out to them. The two FBI SAs were wearing vests stating FBI in reflective yellow on the front and back of their vests. Vega-Rodriguez immediately drew a handgun and began shooting at the FBI SAs. An FBI SA returned fire as Vega-Rodriguez continued to point his gun at the FBI SAs as both Vega-Rodriguez and Person #2 fled. One of the FBI SAs observed Vega-Rodriguez and Person #2 running together and turning on to Gordon Street.

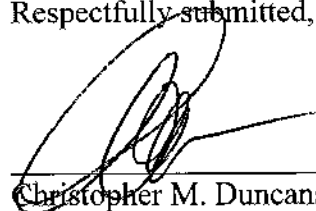
11. I have been informed by another FBI SA that seven (7) shell casings were collected from the scene of the shooting. I have further been informed by another FBI SA that it is believed that three (3) of the shell casings were fired by the FBI and four (4) were fired by Vega-Rodriguez.

12. Vega-Rodriguez is a convicted felon whose criminal history includes felony convictions for Pennsylvania state firearms offenses.

CONCLUSION

13. Based on the foregoing, there is probable cause to believe that RAFAEL VEGA-RODRIGUEZ violated the federal criminal statutes cited herein.

Respectfully submitted,



Christopher M. Duncanson
Special Agent, Federal Bureau of Investigation

Sworn and subscribed

Before me this 20
day of March 2020.



HONORABLE HENRY S. PERKIN
United States Magistrate Judge